

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARREN McLEHAN and NOREEN
McLEHAN,

Plaintiff,

v.

Case Number 09-11547
Honorable David M. Lawson
Magistrate Judge R. Steven Whalen

CHASE BANK, NA, TROTT AND TROTT, P.C.,
COUNTY OF WAYNE, and FEDERAL HOME
LOAN MORTGAGE CORPORATION,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DENYING THE DEFENDANT’S MOTION TO DISMISS**

Presently before the Court is the report issued on February 26, 2010 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b). Judge Whalen recommended denying the motion to dismiss filed by defendant Trott and Trott, P.C., because the plaintiff’s complaint states a cognizable claim against this defendant.

Although the magistrate judge’s report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties’ failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge’s report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge’s Report and Recommendation [dkt # 34] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion to dismiss [dkt. # 7] is **DENIED**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: March 17, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 17, 2010.

s/Teresa Scott-Feijoo

TERESA SCOTT-FEIJOO